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Of Attorneys for Defendant City of Portland

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DEXTER PEARCE,

Plaintiff,

v.

CITY OF PORTLAND; and JOHN DOES
1-10,

Defendants.

Case No. **3:22-cv-00518-HZ**

DEFENDANT CITY OF PORTLAND'S
WITHDRAWAL OF ITS MOTION TO DISMISS AS
TO PLAINTIFF'S FIRST AMENDED COMPLAINT

In response to the [First] Amended Complaint ("FAC") (ECF No. 11) filed by Plaintiff Dexter J. Pearce ("Plaintiff" or "Pearce") in this case, on June 21, 2022, Defendant City of Portland ("Defendant" or "City") filed a Motion to Dismiss as to Plaintiff's First Amended Complaint ("MTD") (ECF No. 13). However, on July 4, 2022, Plaintiff filed a Motion to Amend Complaint ("MTA") (ECF No. 15), in which Plaintiff requests leave from the Court to file his proposed Second Amended Complaint ("Proposed SAC") that is attached to the supporting Declaration of Counsel (ECF No. 16, ¶ 5, Ex. 1). Since the City does not oppose Plaintiff's MTA and expects that the Court will grant Plaintiff's MTA and allow him to file his Proposed SAC, the City hereby

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withdraws its currently pending MTD (ECF No. 13) without prejudice to the City raising the same arguments in response to Plaintiff's SAC after the SAC becomes Plaintiff's operative complaint in this case.

DATED: July 6, 2022

PORTLAND CITY ATTORNEY'S OFFICE

By: /s/ Trung D. Tu
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CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2022, I served a true and correct copy of the foregoing
**DEFENDANT CITY OF PORTLAND'S WITHDRAWAL OF ITS MOTION TO DISMISS AS TO
PLAINTIFF'S FIRST AMENDED COMPLAINT** on the interested parties in this action as follows:

Mr. Juan C. Chavez
Mr. Franz H. Bruggemeier
Mr. Alexander Meggitt
OREGON JUSTICE RESOURCE CENTER
P.O. Box 5248
Portland, Oregon 97208
Telephone: (503) 944-2270
Facsimile: (971) 275-1839
Email: jchavez@ojrc.info,
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alex.meggitt@gmail.com

Of Attorneys for Plaintiff Dexter Pearce

- ☐ by **mail** in a sealed envelope, with postage fully prepaid, and deposited with the U.S. Postal Service in Portland, Oregon.
- ☐ by **hand delivery**.
- ☐ by **facsimile transmission**.
- ☐ by **email**. Based on an agreement of the parties to accept service by e-mail or electronic transmission.
- ☒ by **electronic service** via the Court's CM/ECF electronic filing system for registered users.

DATED: July 6, 2022

/s/ Trung D. Tu

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